IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5748 of 1998

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NAGINBHAI MANUBHAI PARMAR & 8 - Petitioner(s)

Versus

HINDUSTAN PETROLEUM CORPORATION LTD & 3 - Respondent(s)

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Appearance :

MR KM PATEL for Petitioner No(s).: 1, 2,3,4,5,6,7,8,9.

MR GN SHAH for Respondent No(s).: 1.
MS MINOO A SHAH for Respondent No(s).: 1.
RULE SERVED BY DS for Respondent No(s).: 2, 3,4.
SERVED BY RPAD - (N) for Respondent No(s).: 3.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 05/08/2005

ORAL JUDGMENT

1.0 By way of this petition, the petitioners have prayed

for the following reliefs;

> "(A) Be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the like nature requiring the respondent no.1 to absorb the petitioners in its employment as its direct employees;
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> (B) Pending hearing and final disposal of this petition, be pleased to direct the respondent no.1 to permit the petitioners to continue to discharge their duties and pay them regular salary; Alternatively
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> (C) Be pleased to direct the respondent no.1 to provide condition in the new contract obliging the new contractor to continue the petitioners on the same job which the petitioners have been working on hitherto;
>
> (D) ....."

2.0 I have heard learned counsel for the parties and perused the documents placed on record. The reliefs claimed by the petitioners cannot be granted by this Court. The appropriate remedy available to the petitioners is to prefer an application before the appropriate forum.

3.0 In above view of the matter, the petitioners shall be at liberty to prefer an application before the appropriate forum. Such application to be preferred within a period of two months from today. On receipt of

such an application from the petitioners, the appropriate forum is directed to consider and dispose of the same, as expeditiously as possible and preferably within a period of two years from the date of making such application. With the above observations, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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